

Order

Michigan Supreme Court
Lansing, Michigan

July 17, 2009

Marilyn Kelly,
Chief Justice

137353

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

MARY I. BERKEYPILE,
Plaintiff-Counter-
Defendant-Appellee,

v

SC: 137353
COA: 274177
Jackson CC: 2006-001026-NI

WESTFIELD INSURANCE COMPANY,
Defendant-Counter-
Plaintiff-Appellant,

and

ALLIED PROPERTY AND CASUALTY
INSURANCE COMPANY,
Defendant.

On order of the Court, the application for leave to appeal the August 12, 2008 judgment of the Court of Appeals is considered. We direct the Clerk to schedule oral argument on whether to grant the application or take other preemptory action. MCR 7.302(H)(1). The parties shall submit supplemental briefs within 42 days of the date of this order, and shall address the effect of paragraph E(1)(a) of the Westfield policy's Michigan uninsured motorist coverage, which provides that "[i]f there is other applicable insurance available under one or more policies or provisions of coverage . . . [t]he maximum recovery under all coverage forms or policies combined may equal but not exceed the highest applicable limit for any one vehicle under any coverage form or policy providing coverage on either a primary or excess basis." The parties should not submit mere restatements of their application papers.



p0714

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

July 17, 2009

Corbin R. Davis

Clerk